



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/763,359

01/26/2004

Peichun Yang

9409

7590 07/06/2007
Peichun Yang
1851 West Armstrong Way
Chandler, AZ 85248

EXAMINER

MUSSELMAN, TIMOTHY A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,359

Applicant(s)

YANG, PEICHUN

Examiner

Timothy Musselman

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/22/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The specification is objected to by the examiner because it is not in the proper form as provided by 37 CFR 1.77(b). A brief description of the specification requirements follows below, and while not all of the sections are required in applicants specification, it is noted that applicant is at least missing sections a, b, and j. Specifically regarding missing section b, applicant needs to note the priority claim to provisional application # 60/449,143. Additionally, the specification as a whole is replete with grammatical and language usage errors in need of correction.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

Drawings

The drawings are objected to by the examiner, because they contain dark shading that will not scan properly. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. The corrected drawings are required in reply to the Office

Art Unit: 3714

action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claims 3, 5-7, and 12, are objected to for failing to further limit the parent claims. Each of these claims consists of features that have been identically defined in the respective parent claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Art Unit: 3714

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. For further guidance on claim formation, see MPEP 608.01(m) and 37 CFR 1.75. Some of the specifics regarding the 35 U.S.C. 112, 2nd paragraph rejections are described below. Due to the extremely large number of these violations, the list is not exhaustive.

Claim 1: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. Applicant refers to "The two supporting blocks...". Since supporting blocks have not been defined in the claims prior to this occurrence, there is no antecedent basis for this limitation in the claims. To overcome this, the claim could read "Two supporting blocks are attached...". If applicant refers to *the* supporting blocks, it is necessary for *the* supporting blocks to have been previously defined in the instant claim or a parent claim.

Additionally, the use of acronyms in a claim is not proper unless they have been defined. The use of the undefined acronyms PVDF and IPMC is improper under 35 U.S.C. 112, 2nd paragraph, since applicant has not defined these acronyms in the claim. That is to say the first occurrence of the acronyms should be adjusted to include the full name before the acronyms in parentheses.

Claim 2: Applicant claims a Braille cell as claimed in claim 1, comprising a rectangular cavity with the bending elements working at its two sides. This is a 35 U.S.C. 2nd paragraph violation because it is unclear if applicant is referring to a new cavity, or the same cavity of claim 1. While examiner believes it to be the same cavity, this is not how the claim reads. To identify the same cavity, the claim should read similar to "A Braille cell as claimed in claim 1, wherein said cavity is a rectangular cavity...". In the event that applicant is claiming an additional cavity, "the bending elements working at it's two sides" lacks antecedent basis, since no bending elements have been

Art Unit: 3714

defined for the second cavity. Additionally, the language "at its two sides" implies only two sides, while a rectangular cavity has four. In the event that applicant is claiming an additional cavity, applicant must specify *which* two sides (e.g. opposite, etc), since the limitations of claim 1 would not apply to a new cavity of claim 2. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of claim 1.

Claim 3: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of claim 1.

Claim 4: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. Applicant claims a Braille cell as in claim 1 comprising a thin rod attached to the back side of the membrane in the cavity. It is unclear whether this is an *additional* thin rod attached to the membrane, or if this is the same rod as claimed in parent claim 1. If applicant is claiming the same rod as claim 1, the claim should read similar to "A Braille cell as claimed in claim 1, wherein the thin rod attached to the back side of the membrane in the cavity can move up and down between a reading and a rest position". If applicant is claiming an additional rod, applicant should specify that the rod is additional, so as to remove the ambiguity. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of claim 1.

Claims 5-6: These claims are rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. In these claims, applicant is claiming features that have already been claimed in parent claim 1. It is unclear if these features are *in addition to* the features of claim 1, or if applicant is reclaiming the features already described in parent claim 1. In the event of the latter, which examiner believes to be the case, claims 5 and 6 are improper for failing to further limit the parent claim. The relevant objections are as described above. In the event that these features are in addition to the features of claim 1, applicant needs to add language to such an extent to remove the ambiguity to overcome the 35 U.S.C. 112 rejections. These claims are additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of claim 1.

Art Unit: 3714

Claim 7: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. It is unclear whether applicant is claiming additional supporting blocks or the same supporting blocks identically defined in claim 1. Applicant must remove this ambiguity as described previously. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of claim 1.

Claim 8: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of claim 1.

Claim 9: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. This is an independent claim. There is no preamble, no transitional phrase, and no positive identification of the structure. *The* bending elements have not been previously described, as this is an independent claim, thus there is no antecedent basis. Further, the use of the acronyms is improper as previously described.

Claim 10: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. There is no antecedent basis for "the bimorph type actuator". Also, the acronyms PVDF are improper. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of parent claim 9.

Claim 11: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. It appears to be a claim for a method step of making an apparatus. This is not proper in an apparatus claim. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of parent claim 9.

Claim 12: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for it's use of the phrase "such as". The phrase "such as" renders the claim indefinite because it is unclear whether the

Art Unit: 3714

limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claim 12 is additionally rejected under 35 U.S.C. 112 for its incorporation of the features of parent claim 9. Additionally, the features of claim 12 are objected to as described above for being redundant, as the limitation of claim 12 has already been claimed in parent claim 9.

Claim 13: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. Applicant appears to be claiming a method. However there is no preamble and no transitional phrase that makes this certain. Claim 13 provides for the use of microelectronic processing technology, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. This is also a 35 U.S.C. 101 rejection as described above.

Claim 14: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of parent claim 13.

Claims 15 and 16: These claims are rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. There is no antecedent basis for "the bending elements" in these claims. These claims are also rejected for their incorporation of the features of parent claim 13.

Claim 17: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. There is no antecedent basis for "the thin rod". This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of parent claim 13.

Claim 18: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. "The cavities..." lacks antecedent basis. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for it's incorporation of the features of parent claim 13.

Art Unit: 3714

Claim 19: This claim is rejected under 35 U.S.C. 112, 2nd paragraph, for being unclear. Applicant has claimed an array of cells in parent claim 13, and it is unclear exactly what rows are being added together. This claim is additionally rejected under 35 U.S.C. 112, 2nd paragraph, for its incorporation of the features of parent claim 13.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3, 4-8, and 13-19 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,681,063 in view of Garner (US 5,496,174).

Regarding claims 1, 3, and 5-8, all of the features are found in claim 19 of US patent 6,681,063 (the '063 patent), with the exception of an *explicit* reference to the cavity being filled with fluid.

Art Unit: 3714

However, Garner teaches of a Braille cell that utilizes fluid as a pressure transfer medium. See col. 3: 54-63. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the fluid transfer medium of Garner in the system defined by claim 19 of the '063 patent, because the system of claim 19 in the '063 patent requires a fluid transfer medium to operate correctly.

Regarding claims 13-19, all of the features are found in claim 19, with the exception of the references to rows and arrays of Braille cells. However, Garner teaches of this feature in fig. 3. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the rows and arrays of Braille cells from Garner in the system of the '063 patent defined by claim 19, in order to display more than one Braille dot, since Braille characters consist of more than one dot.

Claims 2 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,681,063 in view of Garner (US 5,496,174).

Regarding claim 2, all of the features are found in claim 5 of the '063 patent, with the exception of the fluid filled cavity and a Braille dot atop the membrane. However, Garner teaches of these features. See col. 54-63. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the fluid pressure transfer medium of Garner as described above with reference to claim 1, and it further would have been obvious to include a Braille dot atop the membrane in the manner of Garner, so as to allow the users of the Braille cell device to use the device as a Braille cell.

Claim 4 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,681,063 in view of Becker et al. (US 6,417,821).

Art Unit: 3714

Regarding claim 4, all of the features are found in claim 19, with the exception of the movement of the rod between a reading and a rest position. However, Becker discloses a Braille reading device that includes this feature. See col. 4: 10-15. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the movable pin of Becker in the system defined by claim 19 of the '063 patent, because if the rod of claim 19 did not move between a reading and a rest position, the device would be of no use as a Braille cell.

Claim 9 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,681,063.

Regarding claim 9, all of the features can be found in claim 1 of the '063 patent.

Claim 10 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,681,063.

Regarding claim 10, all of the features can be found in claim 13 of the '063 patent.

Claim 11 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,681,063.

Regarding claim 11, all of the features can be found in claim 16 of the '063 patent.

Claim 12 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,681,063.

Regarding claim 12, all of the features can be found in claim 14 of the '063 patent.

Patent Prosecution procedures

An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. Applicant is reminded that the revision of the specification and claims to present the application in proper form is required. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

Applicant is advised to arrange the content of the specification as described below:

Content of Specification

- (a) Title of the Invention. (See 37 C.F.R. 1.72(a)). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: See 37 C.F.R. 1.78 and section 201.11 of the M.P.E.P. This relates to any other applications that Applicant has pending before the Patent Office.
- ☐ Statement as to rights to inventions made under Federally sponsored research and development (if any): See section 310 of the M.P.E.P.
- (d) Background of the Invention: The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field".
 - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art".
- (e) Summary: A brief summary or general statement of the invention as set forth in 37 C.F.R. 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (f) Brief Description of the Drawing(s): A reference to and brief description of each of the drawing figure(s) as set forth in 37 C.F.R. 1.74.
- (g) Description of the Preferred Embodiment(s): A description of the preferred embodiment(s) of the invention as required in 37 C.F.R. 1.71. The description should be as short and specific as is necessary to describe the invention

Art Unit: 3714

adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention". Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (h) Claim(s) (See 37 C.F.R. 1.75): A claim may be typed with the various elements subdivided in paragraph form. There may be plural indentations to further segregate subcombinations or related steps. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent cited.

If Applicant wishes to continue to prosecute this patent application, applicant must reply in writing.

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Serial number (checked for accuracy).
2. Group art unit number (copied from filing receipt or most recent Office Action).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Name of Applicants.

Applicant's reply should identify the Office Action the amendment is in response to by its mailing date or paper no. and must specifically request further examination and reconsideration.

Applicant or Applicant's registered representative must sign the reply.

In a reply to an Office Action, Applicant can amend the specification, drawings and claims to overcome objections and rejections as well as argue against any position taken by the Examiner. Applicant's arguments and other pertinent comments should appear under the heading "REMARKS". In Applicant's remarks, applicant must point out each error, if any, applicant believes the Examiner has made in the current Office Action and/or how any amendments Applicant has made to the specification, drawings and claims overcome the Examiner's objections and rejections. Applicant must respond to each and every ground of rejection and objection raised in the current Office Action.

Art Unit: 3714

Applicant can amend the specification and drawings by sending the Office a signed letter directing the Office to make the specified alterations. Amendments are governed by 37 CFR 1.121. Amendments to the specification may be made by either adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification. To delete, replace or add a paragraph the following must be included:

- (i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;
- (ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;
- (iii) The full text of any added paragraphs without any underlining; and;
- (iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.

Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior

Art Unit: 3714

versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered). All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)).

The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by ~~strike-through~~ except that double brackets placed before and after the deleted characters may be used to show deletion of **five or fewer consecutive characters**. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended." The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

See 37 CFR 1.121. Sample amendments and common question and answers are posted at:

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/moreinfoamdtpac.htm>

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TM
TM

Kathleen Mosser
Kathleen Mosser
Primary Examiner
Art Unit #3714